

RESOLUTION NO. 2263

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE PORT OF PORTLAND FOR COST SHARING OF THE NW GRAHAM ROAD IMPROVEMENTS.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The majority of the City street, NW Graham Road, is located in the Port of Portland's Troutdale Reynolds Industrial Park ("TRIP") phase II.
2. NW Graham Road is in need of significant repair and upgrade to support the Port's TRIP phase II development, including wider lanes to accommodate freight traffic, sidewalks for pedestrians, bike lanes to accommodate bike travel, and appurtenant storm drainage improvements.
3. The City and Port have over the past few years jointly pursued funding opportunities for transportation upgrades in the TRIP site.
4. The City has repeatedly pledged and budgeted \$1.1 million as part of local match qualifying funding for upgrades to portions of NW Graham Road as part of larger proposed projects.
5. Subject to all required permits the Port is currently designing, and preparing to construct improvements to NW Graham Road as contemplated in the tentative plat approval of the TRIP II Subdivision.
6. The Parties recognize the economies of scale and efficiency from constructing improvements along the entire length of NW Graham Road from NW Sundial Road to North Frontage Road in a single project managed by the Port.
7. The Parties wish to enter into an Intergovernmental Agreement (IGA) to provide for City payment to the Port toward construction of improvements to the portions of NW Graham Road which extend beyond the TRIP site.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE:

Section 1. Agrees now that the City enter into an IGA with the Port of Portland for the budgeted cost sharing of constructing improvements to Graham Road.

Section 2. Designates the City Manager or Finance Director (each a "City Official") or a designee of the City Official, to act on behalf of the City, and without further action by the City Council the City Official is hereby authorized, empowered and directed to sign the IGA on behalf of the City, and any and all other required and necessary documents to implement the intent of the agreement.

Section 3. The City Official is hereby authorized to execute, acknowledge and deliver the IGA in substantial conformity with Exhibit A of the Staff Report, including any other supporting and implementing documents, and to take any other action as may be advisable, convenient, necessary, or appropriate to give full force and effect to the terms and intent of the IGA, and the execution thereof by any such City Official shall be conclusive as to such determination.

Section 4. Further, consistent with intent of the IGA, and in the best interest of the City, the City Official is authorized to determine, execute, acknowledge and deliver any subsequent addendums, extension, revisions, modification, or successor documents of the IGA, and the execution thereof by any such City Official shall be conclusive as to such determination.

Section 5. The Finance Director is authorized to disburse funds, subject to annual appropriations, as necessary to fulfill the IGA obligations, and is further directed to implement all such actions necessary to ensure budgetary compliance.

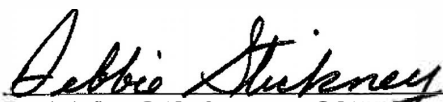
Section 6. This Resolution shall be effective upon adoption.

YEAS: 7
NAYS: 0
ABSTAINED: 0



Doug Daoust, Mayor

Date 7/9/14



Debbie Stickney, City Recorder
Adopted: July 8, 2014

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE PORT OF PORTLAND AND
THE CITY OF TROUTDALE**

PAYMENT FOR NW GRAHAM ROAD IMPROVEMENTS

THIS AGREEMENT is made and entered into by and between the PORT OF PORTLAND, acting by and through its Executive Director, hereinafter referred to as "Port," and the CITY OF TROUTDALE, hereinafter referred to as "City," acting by and through its elected officials, all herein referred to individually or collectively as "Party" or "Parties."

RECITALS

- A. NW Graham Road is a part of the City of Troutdale ("City") road system. Port is designing, and constructing improvements to the City road as shown in Exhibit A.
- B. Subject to obtaining all required governmental approvals, the Port desires to complete certain improvements to that portion NW Graham Road fronting the Port's Troutdale Reynolds Industrial Park ("TRIP") as contemplated in the tentative plat approval of the TRIP II Subdivision (City File 12-031).
- C. The City has allocated the amount of One Million One Hundred Thousand Dollars (\$1,100,000) to complete improvements to a portion of NW Graham not fronting TRIP, between NW Sundial Road and North Frontage Road.
- D. The Parties recognize the economies of scale and efficiency from constructing improvements along the entire length of NW Graham Road from NW Sundial Road to North Frontage Road as shown on attached Exhibit A, in a single project managed by the Port.
- E. The Parties wish to enter into this agreement to provide for City payment of One Million One Hundred Thousand Dollars (\$1,100,000) to the Port for construction of improvements to NW Graham Road as shown in Exhibit A, hereafter known as the Project.

NOW THEREFORE, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. Based on the final Project design, the Port will submit a Public Works Permit to City for its review and approval for construction of certain improvements on NW Graham Road between NW Sundial Road and North Frontage Road, as further described on attached Exhibit A ("Project"). The Port's commencement of the Project is contingent upon receipt of City's approval of the Public Works Permit and any other required governmental approvals.
2. The City will pay to the Port the amount of One Million One Hundred Thousand Dollars (\$1,100,000) toward construction of the Project ("City Project Payment"), payable in two (2) equal installments as provided in this Section. City will pay to the

Port the first installment of the City Project Payment, in the amount of Five Hundred Fifty Thousand Dollars (\$550,000) within thirty (30) days following receipt of a copy of the Port's notice to proceed to the Port's contractor to construct the Project. City will pay to the Port the remaining installment of the City Project Payment, in the amount of Five Hundred Fifty Thousand Dollars (\$550,000) within thirty (30) days following the date upon which the City has issued a notice of final completion for the Project.

3. This Agreement shall become effective on the date all required signatures are obtained and shall terminate upon completion of the Project and City's payment in full of the City Project Payment to the Port.

4. This Agreement and attached exhibit constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement.

5. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.

THE PARTIES, by execution of this Agreement, hereby acknowledge that its signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

PORT OF PORTLAND, by and through its
Executive Director

By [Signature]
Bill Wyatt, Executive Director

Date 9/18/14

CITY OF TROUTDALE, by and through
its elected officials

By [Signature]
Craig Ward, City Manager

Date 7/17/14

APPROVED AS TO LEGAL
SUFFICIENCY FOR THE PORT

By [Signature]
Port Counsel

Date 9/15/14

APPROVED AS TO LEGAL
SUFFICIENCY

By [Signature]
City Counsel

Date 9/23/14

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Exhibit A –PROJECT DESCRIPTION
Port of Portland
NW Graham Road Improvements

NW Graham Road is a 1.5-mile long roadway that connects North Frontage Road with NW Sundial Road. It is adjacent to Troutdale Reynolds Industrial Park (TRIP). The design for NW Graham Road will address strengthening the roadway base and widening where necessary to a performance standard suitable for truck weights and volumes associated with industrial use. The specific design vehicle will be determined in the design phase of this work. The design will also include sidewalks, utilities, storm water conveyance and treatment and street lighting as necessary.

Map of Project Location (Red Dashed Line)

